

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

EUGENE SHAIKEN, M.D.
2180 Johnson Avenue
San Luis Obispo, CA 93408

Physician and Surgeon
Certificate No. A-18557

Respondent.

NO. D-4718

L-57698

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on
July 7, 1993.

IT IS SO ORDERED July 7, 1993.

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Theresa J. Claassen

THERESA CLAASSEN, Secretary-Treasurer

mh

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	NO. D-4718
EUGENE SHAIKEN M.D.)	
2180 Johnson Avenue)	
San Luis Obispo, CA 93408)	OAH NO. L-57698
)	
Physician's and Surgeon's)	
Certificate No. G-19759)	
)	
Respondent)	
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PROPOSED DECISION

On March 1, 1993, Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings, presided over a settlement conference in this matter which was held at Los Angeles, California. Complainant was represented by Robert C. Miller, Deputy Attorney General. Respondent appeared personally and was represented by Theodora Poloynis-Engen, Attorney at Law.

Pursuant to a Stipulation between complainant and respondent, the Administrative Law Judge finds the following:

I

Kenneth Wagstaff filed the Accusation in his official capacity as Executive Director of the Medical Board of the State of California (hereinafter "Medical Board") and not otherwise.

II

On or about December 10, 1970, respondent was issued physician's and surgeon's certificate number G-19759, and was so licensed at all relevant times as alleged in the Accusation.

III

Respondent is represented by counsel, and he has been advised of, and understands, the charges contained in the Accusation. Respondent understands that he has a right to a hearing on the Accusation, during which he may introduce evidence, and subject complainant's evidence to cross examination.

Respondent also has the right to reconsideration and appeal. Respondent voluntarily waives those rights and enters into the following stipulation:

(a) This Stipulation is for purpose of this Accusation before the Medical Board and may not be used for any other purpose.

(b) Respondent enters into this Stipulation to avoid the stress and emotional damage which a hearing would place on both him and his family.

(c) Without admitting guilt, respondent stipulates that the allegations contained in Accusation number D-4718, if proven, constitute grounds for disciplinary action.

(d) Based on the above admissions, and on the charges contained in Accusation number D-4718, respondent agrees to surrender his physician's and surgeon's certificate number G-19759.

(e) If this Stipulation is not accepted by the Medical Board, it shall have no binding effect on the parties.

* * * * *

THEREFORE, THE FOLLOWING ORDER is hereby made:

Respondent Eugene Shaiken, M.D., shall, within 30 days from the effective date of this Decision, surrender his physician's and surgeon's certificate number G-19759.

DATED: March 16, 1993

Humberto Flores

HUMBERTO FLORES

Administrative Law Judge

Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JANA L. TUTON
Supervising Deputy Attorney General
3 ROBERT C. MILLER
Deputy Attorney General
4 1515 K Street, Suite 511
P. O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5161

6 Attorneys for Complainant

8 BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the
12 Accusation Against:

No. D-4718

ACCUSATION

13 EUGENE SHAIKEN, M.D.
2180 Johnson Avenue
14 San Luis Obispo, CA 93408

15 Physician's and Surgeon's
Certificate No. G-19759

16 Respondent.
17

18 Kenneth Wagstaff, the complainant herein, alleges as
19 follows:

20 1. He is the Executive Director of the Medical
21 Board of California of the State of California and makes
22 and files this accusation in his official capacity as such and
23 not otherwise.

24 2. On or about December 10, 1970, respondent Eugene
25 Shaiken, M.D. (hereinafter "respondent") was issued physician's
26 and surgeon's certificate No. G-19759 under the laws of the State

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1 of California. This certificate will expire on January 3 , 199 ,
2 if not renewed.

3 3. Section 2234 of the Business and Professions Code
4 (hereinafter "the Code") provides that the Division of Medical
5 Quality of the Medical Board of California shall take
6 action against a holder of a physician and surgeon's certificate
7 who is guilty of unprofessional conduct.

8 4. Section 2234 provides in pertinent part that
9 unprofessional conduct includes, but is not limited to, the
10 following:

11 "B. Gross negligence;

12 "C. Repeated negligent acts;

13 "D. Incompetence.

14 "E. The commission of any act involving
15 dishonesty or corruption which is substantially related
16 to the qualifications, functions or duties of a
17 physician and surgeon."

18 5. Section 726 of the Code provides, in pertinent
19 part, that the "commission of any act of sexual abuse,
20 misconduct, or relations with a patient . . . which is
21 substantially related to the qualifications, functions or duties
22 of the occupation for which a license was issued constitutes
23 unprofessional conduct and grounds for disciplinary
24 action. . . ."

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I. L.K.^{1/}

6. Beginning in 1980 and ending in 1989, respondent was the treating psychiatrist for L.K. while L.K. was a patient at San Luis Obispo Mental Health in San Luis Obispo, California.

Respondent is subject to disciplinary action for unprofessional conduct pursuant to section 2234 of the Code as more particularly alleged as follows:

A. In or around late 1980, early 1981, until 1989, respondent committed unprofessional conduct in violation of section 726 by engaging in numerous acts of sexual misconduct with L.K.

B. During that same time period, respondent committed unprofessional conduct in violation of section 2234, subdivision (B), gross negligence, by engaging in the consumption of illegal drugs with L.K., to wit, marijuana.

II. L.P.

7. Beginning in around April, 1984, respondent was the treating psychiatrist for L.P. while L.P. was a patient at San Luis Obispo Mental Health in San Luis Obispo, California.

Respondent is further subject to disciplinary action for unprofessional conduct pursuant to section 2234 of the Code as more particularly alleged as follows:

A. In or around April, 1984, respondent committed unprofessional conduct in violation of section 726 by engaging in sexual misconduct with L.P.

1. All patients will be referred to herein by initials. Disclosure of their names will be provided to respondent pursuant to a timely request for discovery.

1 B. In or around April, 1984, respondent committed
2 unprofessional conduct in violation of section 2234,
3 subdivision (B), gross negligence, by engaging in the consumption
4 of illegal drugs with L.P., to wit, marijuana.

5 III. G.T.

6 8. Beginning in December, 1983, and ending in
7 December, 1988, respondent was the treating psychiatrist for G.T.
8 while G.T. was a patient at San Luis Obispo Mental Health in San
9 Luis Obispo, California.

10 Respondent is further subject to disciplinary action
11 for unprofessional conduct pursuant to section 2234 of the Code
12 as more particularly alleged as follows:

13 A. Between December 1984 and December 1988,
14 respondent committed unprofessional conduct in violation of
15 section 726 by engaging in sexual misconduct with G.T.

16 B. During that same treatment period, respondent
17 committed unprofessional conduct in violation of section 2234,
18 subdivision (B), gross negligence, by prescribing the
19 tranquilizers Tranxene, Tofranil, and Xanax for G.T., who had a
20 history of drug dependency.

21 IV. F.C.

22 9. In or about May, 1989, respondent was the treating
23 psychiatrist for F.C. while F.C. was a patient at San Luis Obispo
24 Mental Health in San Luis Obispo, California.

25 Respondent is further subject to disciplinary action
26 for unprofessional conduct pursuant to section 2234 of the Code
27 as more particularly alleged as follows:

1 A. On or about May 8, 1989, respondent committed
2 unprofessional conduct in violation of section 726 by engaging in
3 sexual misconduct with F.C.

4 B. On or about May 17, 1989, respondent committed
5 unprofessional conduct in violation of section 2234, subdivision
6 (B), gross negligence by engaging in the consumption of illegal
7 drugs with F.C., to wit, marijuana.

8 10. Respondent is further subject to disciplinary
9 action pursuant to section 2234 of the Code as more particularly
10 alleged hereinafter:

11 A. Paragraphs 6 through 9 hereinabove are
12 incorporated herein by reference as though fully set forth at
13 this point.

14 B. Respondent's treatment of each of these patients,
15 or any combination thereof, constitutes repeated negligent acts
16 in violation of section 2234, subdivision (c), of the Code.

17 WHEREFORE complainant prays that the Division of
18 Medical Quality hold a hearing on the matters alleged herein and
19 following said hearing issue a decision:

20 1. Suspending or revoking the license issued to
21 respondent Eugene Shaiken, M.D.; and

22 2. Prohibiting respondent from supervising a
23 physician's assistant.

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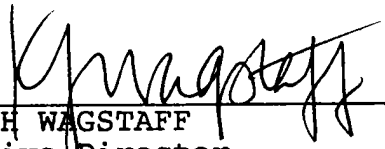
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3. Taking such other and further action as may be proper.

DATED: April 29, 1992



KENNETH WAGSTAFF
Executive Director
Medical Board of California
State of California